IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3971 OF 2004

Godabai Hariba Dange, .. Petitioner
Vs
1.Mahadev Dhondi Dange,
since deceased by L.rs
a) Durpabai Mahadev Dange
and ors. .. Respondents

Mr Ashok G.Toraskar, for the petitioner.

CORAM : D.B.BHOSALE,J.

DATE : FEBRUARY 22, 2005.

P.C.

1. Heard Mr Toraskar, learned counsel for the petitioner.

2. By the impugned order, the petitioner's application seeking appointment of a court commissioner for measuring the land has been rejected on the ground that there was no dispute regarding the identification of the property or its measurements. The dispute was only in respect of the ownership. Mr Toraskar, leaned counsel for the petitioner, could not and did not point out either from the written statement or from any other document showing that the petitioner has raised a dispute with regard to the area and boundaries of the land in question. The

judgment relied upon by Mr Toraskar in Special Officer and Competent Authority Vs.P.S.Rao, 2000 (4) CCC 69 (SC) is of no avail to the petitioner in view of the peculiar facts and circumstances of the case. The writ petition has no merits. It is dismissed as such.

(D.B.Bhosale, J.)